

SUPPLEMENTAL STAFF REPORT- SHORELINE MASTER PROGRAM UPDATE

SUMMARY: This supplemental staff report addresses issues that have been brought up by single-family home owners and Planning Commissioners since the second public hearing on March 3, 2010.

General Description

Single-family home owners testified on March 3, 2010 about their concerns with proposed regulations in the Shoreline Master Program (SMP). Generally, these concerns were related to three issues: setback and buffer requirements for single-family properties, the repair and maintenance of existing docks, and the repair and maintenance of existing bulkheads. Staff reviewed public comments on these issues, and proposed alternative approaches for Planning Commission consideration.

Setback and Buffers for Single-Family Properties

The proposed standard setback and buffer city-wide is 100 ft. from the shoreline. Since the first draft, the City has proposed an alternative set of setbacks and buffers for single-family property owners. Few single-family properties within shoreline jurisdiction are able to accommodate the standard setback and buffer because of their size and layout. Imposing the full standard setback and buffer would either result in the inability of single-family properties to develop or re-develop at all, or the necessity to approve a number of variances that could circumvent the intentions of the SMP. As a result, a sliding scale was proposed whereby setback and buffer standards were based on the depth of the lot. Implementation of a sliding scale has an advantage over a single, reduced standard because there is a lot of variability in the depth of the existing lots along the shoreline. It represents a “fair share” approach where bigger lots with more space provide protection that is much closer to the standard setback and buffer, and smaller lots meet at least minimum requirements, but each lot does its share. The smallest sliding scale setback is 25’, based on the current minimum setback from the shoreline. Originally, buffers were proposed as 10 ft. less than the required setback, to provide some room for customary back yard uses such as lawn or decks.

Several property owners commented that the proposed sliding scale required too much of larger property owners. In analyzing the scale, staff found that smaller properties would only be required to set aside 25%-30% of their property into a setback, but larger property owners would be required to set aside as much as 45%. Staff amended the sliding scale so that all property owners would set aside approximately 30% of their property in a setback. Buffer widths were also reduced to about 40% of the setback area, to allow for a wider variety of customary yard uses, while still providing the benefits of a buffer area.

Proposal 1- Sliding Scale			Proposal 2- Reduced Sliding Scale		
Lot Depth	Setback	Buffer	Lot Depth	Setback	Buffer
<100’	25’	15’	<100’	25’	10’
100-130’	35’	25’	100-130’	35’	15’
130-150’	60’	50’	130-180’	45’	20’
>150’	70’	60’	>180’	60’	25’

Although the second proposal creates some dramatic reductions, it still represents a stricter standard, and an improved setback and buffer distance, than the current condition. Under current rules, there is no buffer requirement, and the standard setback is 25 ft. Upon redevelopment, single-family properties would still be responsible for providing a buffer, and in some cases, a greater setback from the water.

Repair and Maintenance of Existing Docks

Docks are an important issue for the SMP, not only because docks can have ecological impacts, but because Renton has so many existing docks. According to the WAC, the SMP should limit the size and number of docks in our shoreline. This is easy enough to do for new docks, but repairing existing docks brings up a number of questions. At what point in repairing an existing dock does it become a new dock? At what point should dock repairs conform with new standards? The goal is to reduce the impacts of docks over time, while providing fairness to the property owner.

Since the first draft of the SMP, the rules for maintaining docks have been changed and debated more than any other section of the proposal. In talking with permitting professionals and property owners, staff discovered that dock repair can be categorized in two ways. First, there is regular maintenance, which may involve the replacement of a few boards or a small amount of supporting structure on an annual basis. Second is major repair, in which a significant amount of the decking or supporting structure is replaced. Sometimes this happens because of delayed maintenance, and sometimes this happens because the dock is nearing the end of its “life.” It is apparent that different standards are needed for these different types of repair and maintenance.

Based on public input, staff and the Planning Commission came up with proposed standards for dock repair, which are reflected in the March draft of the SMP. Minor dock repair, consisting of repairs of up to 30% of the dock over a three year period, is allowed without conforming to any new requirements. This allows property owners to perform the regular maintenance of their docks and to keep what they have in good repair. If more than 30% of the dock is replaced it must incorporate light penetrating materials. For floating docks light penetrating materials must be incorporated where feasible, as the ability to use such materials may be limited by the locations of the floats or the structural integrity of the dock may be affected. This allows floating and fixed dock owners an incentive to reduce the impacts of the docks, through the use of light penetrating materials, while still being able to keep dock configuration the same. However major dock repair that involves replacement of 50% of the pilings or more, or 50% or more of the supporting structure for floating docks, will require full compliance with the requirements for new docks. This provision ensures that docks at the end of their useful life will be replaced with less impactful docks in compliance with the SMP.

Repair and Maintenance of Existing Bulkheads

Although several people commented on the subject of the repair of existing bulkheads, no changes have been proposed to this section. In the proposed SMP new shoreline armoring is severely limited, based upon rules for shoreline modifications from the WAC. Given the detrimental environmental effects of shoreline armoring, which are enumerated in both WAC 173-26-231(3)(a)(ii), and in Renton’s

Shoreline Inventory and Analysis, the SMP addresses the removal of existing shoreline armoring when feasible. Requirements to assess the feasibility of removing shoreline armoring are triggered by either a change in use on a property, or a by the request for moderate or major expansion of a non-conforming structure. The idea here is that when new use or development is allowed on a property, the site should conform to the requirements of the SMP. This is consistent with WAC 173-26-231(3)(a)(iii)(A) which states that new development should be located and designed to avoid the need for stabilization. When the requirement to assess existing shoreline stabilization is triggered, a geotechnical review is performed to evaluate whether or not the shoreline armoring can be removed, or be replaced with a less impactful form of stabilization. A hierarchy of shoreline stabilization alternatives is proposed in RMC 4-3-090F.4.a.iii, ranging from no stabilization to hard armoring, with three alternatives in between.

Planning Commission Issue: The Planning Commission asked staff to integrate the changes described above into the SMP draft.

Staff Response: Changes were made to the SMP draft, and have been submitted to the Planning Commission for their deliberations on April 7, 2010. Although some of the amendments make significant changes in the proposed regulations, they should individually and collectively achieve the desired result of no net loss of ecological functions and processes.